

**AUBURN CITY COUNCIL MINUTES**  
**REGULAR SESSION**  
**May 10, 2004, 6:00 p.m.**

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Cheryl Maki presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

<b>Council Members Present:</b>	Kathy Sands, Kevin Hanley, Mike Holmes, Mayor Cheryl Maki
<b>Council Members Absent:</b>	Alice Dowdin (arrived at 6:07 p.m.)
<b>Staff Members Present:</b>	City Manager Bob Richardson City Attorney Charles Wachob Police Chief Nick Willick Fire Chief Mark D'Ambrogi Public Works Director Tom Fossum Community Development Director Will Wong Associate Planner Reg Murray Public Works Director Tom Fossum Airport Manager Jerry Martin

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/  
ANNOUNCEMENTS**

None.

**AGENDA APPROVAL**

Approved without objection.

## CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 04-55** approve Warrants 56493 through 56785 totaling \$3,389,059.40.

2. **Council Minutes**

By **MOTION** approve City Council Minutes of April 12 and 26, 2004.

3. **Assignment of Lease between the City of Auburn and Joe and Carole Pass to Sierra Foothills Properties, LLC**

By **RESOLUTION 04-56** approve and authorize the City Manager to execute an assignment of lease for airport property between the City of Auburn and Joe Pass and Carole Pass to Sierra Foothills Properties, LLC.

4. **Conflict of Interest Code – Biennial Review**

By **RESOLUTION 04-57** amend the City's Conflict of Interest Code by eliminating the positions of (1) Business Development Coordinator and (2) Facilities Director and adding the positions of (1) Building Official and (2) Assistant Planner.

5. **Appointment of City Manager as the Business Improvement District (BID) Advisory Board**

By **RESOLUTION 04-58** appoint the City Manager as the Advisory Board for Auburn Old Town and Downtown Districts.

6. **Auburn Union Elementary School District Site Improvement Project – Bid Award**

By **RESOLUTION 04-59** authorize the Director of Public Works to execute a construction contract with Gold Valley Construction, Inc. for the Auburn Union Elementary School District Site Improvements on Epperle Lane for an amount not to exceed \$707,699.30.

7. **2002 Resources Bond Act – Per Capita Allocation \$220,000**

By **RESOLUTION 04-60** authorize the City Manager to utilize the City of Auburn allocation of \$220,000 in Per Capita Funds for the Auburn Union Elementary School District Relocation Project.

8. **2002 Resources Bond Act – Roberti-Z’Berg-Harris Block Grant Allocation \$3,331**

By **RESOLUTION 04-61** authorize the City Manager to utilize the City of Auburn allocation of \$3,331 from the Roberti-Z’Berg Harris Block Grant Funds for the Auburn Union Elementary School District Relocation Project.

9, **Consultant Agreement for State Grants and Federal Funding for the Auburn School Park Preserve Project**

By **RESOLUTION 04-62** authorize the Community Development Director to execute a Consultant Agreement between the City of Auburn and Pacific Advocates for State Grants and Federal Funding for the Auburn School Park Preserve Project.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve Consent Calendar. **MOTION: Hanley/Sands/ Approved 4:0/Absent: Dowdin**

10. **Public Comment**

Bill Kirby of 2540 Andrea Road spoke about Project Auburn in which volunteers will be painting 19 houses. He commended City Manager Bob Richardson and Police Chief Nick Willick for all their work promoting this project.

Council Member Holmes reminded everybody of the public/private partnership for the restoration of the El Dorado Fire House. He said information is in the paper on how to get involved or where to send contributions.

Mr. Holmes also suggested that the city resurrect the Historic Preservation Ordinance which *“has gone into limbo someplace.”*

Mayor Maki announced that the City of Placerville will be celebrating its 150<sup>th</sup> anniversary on May 15<sup>th</sup>.

Council Member Dowdin arrived at this time.

## PUBLIC HEARING

### 11. **Initiate Ordinance Amendment for Camping**

Police Chief Nick Willick explained the purpose and highlights of the proposed ordinance. He said this ordinance was modeled after the one in Sacramento.

Richard Reynolds of 628 Mikkelsen Drive and who manages various properties in the Auburn area supported the proposed ordinance. He said he was tired of cleaning up after the homeless and tired of the harassment and fire danger.

There was no Council discussion.

By **MOTION** initiate an ordinance regulating camping within the City of Auburn. **MOTION: Dowdin/Sands/Approved by voice**

First reading by title only by City Attorney Charles Wachob.

### 12. **Appeal – Boundary Line Adjustment (BLA)– 400-410 Maidu Drive (Canyon Creek BLA) – File #BLA 03-7**

Mayor Maki said that this item would be continued to the next Council meeting after public comment by those who will not be able to attend that meeting.

Council Member Dowdin said she spoke to the developer and the appellants and said they were in favor of the postponement in order to try to resolve the matter between themselves.

Council Member Hanley said he was upset that some people make the distinction between what is legal and what is ethical and then say, *“Well I didn’t do XYZ because it’s legal.”* But they don’t look at the impact on the community. He thought the use of the Boundary Line Adjustment (BLA) process is a clear attempt around our normal planning process, Planning Commission and public hearings. This is a legal maneuver that is not ethical and not consistent with what we try to accomplish. The developer should work with the Planning Department and with the neighbors. He sees potential for compromises.

Council Member Holmes agreed and said he hoped the parties could work out a compromise.

Council Member Sands said she had never seen anything like this before and felt the Council was being *“pushed into a corner.”* She didn’t think it was fair.

Mayor Maki commended the Council and the Planning Department for their diligence. She added that the Planning Department had offered options and a compromise to the developer.

#### PUBLIC COMMENT

Carol Trotter, speaking for herself and her husband, urged denial of the BLA and supports the parties coming together to resolve this issue. She urged the Council to do something to prevent this kind of problem from occurring again.

Chuck Anderson, John Mark and Jim Nieto, who have homes on Riverview Drive, spoke on behalf of the appellants. Jim Nieto told the Council that the developer should not be allowed to sidestep the Planning Commission review process.

Mayor Maki then continued this item to the next Council meeting.

#### REPORTS

##### 13. Informational Reports from Staff

###### A. Airport Manager’s Monthly Report

Airport Manager Jerry Martin brought the Council up to date on the newly acquired airport property (formerly the Denham property). He discussed the structures on the property and their rentals. He said everything else at the airport is going well. He said he received a \$150,000 grant approval from the FAA for the purpose of updating the airport plan.

###### B. Fire Chief’s Monthly Report

Fire Chief Mark D’Ambrogi discussed the shaded fuel break. Two local contractors were awarded contracts to assist in the fuel break. Three areas have been targeted for vegetation management.

14. **City Council Committee Reports**

Council Member Holmes, on behalf of the Solid Waste Local Task Force, commended the Public Works Department for taking action at the old dump site by the airport so the city won't be cited for violations.

**COUNCIL BUSINESS**

15. **Annual Business Improvement Districts (BID) Report Review and Resolution of Intention for Assessments for Fiscal Year 2004-2005**

City Manager Bob Richardson said these are not dollars for the city but the city acts as a financing mechanism for the two improvement districts (the Downtown Improvement District and the Old Town Improvement District). The city collects the funds and then distributes it back to the districts.

The Council Members commended Linda Robinson of Old Town and Harvey Roper of Downtown for the thoroughness of their report.

Council Member Hanley suggested the installation of a small playground.

- A. By **MOTION** approve the annual reports as filed by the City appointed Advisory Board for the Downtown and Old Town Business Associations. **MOTION: Holmes/Sands/Approved by voice.**
- B. By **RESOLUTION 04-63** declare intention to levy an annual assessment for the Auburn Merchants Parking and Business Improvement Area (Downtown) and the Auburn Historic Auburn Parking and Business Area (Old Town) BID's. **MOTION: Dowdin/Hanley/Approved 5:0**

16. **Discussion of League of California Cities & Designation of Voting Delegates for Special Meeting of the General Assembly**

Holmes expressed concern on whether the League truly represents what the City of Auburn wants.

Other Council Members agreed but also determined that together the cities have more clout with the higher legislators and the City of Auburn does benefit.

By **MOTION** designate Kevin Hanley as voting delegate and Mike Holmes as alternate. **MOTION: Maki/Sands/Approved by voice.**

**Adjournment** at 7:35 p.m.

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Cheryl Maki, Mayor

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Joseph G.R. Labrie, City Clerk